



महाराष्ट्र शासन राजपत्र

भाग सहा

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प्राधिकृत प्रकाशन

संसदेचे अधिनियम व राष्ट्रपतींनी प्रख्यापित केलेले अध्यादेश

अनुक्रमणिका

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LAW AND JUDICIARY DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 2nd April 2019.

No. 487/B.—The following Ordinances promulgated by the President are hereby republished for general information :—

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 2nd March, 2019/Phalguna 11, 1940 (Saka)

THE AADHAAR AND OTHER LAWS (AMENDMENT) ORDINANCE, 2019

(No. 9 of 2019)

Promulgated by the President in the Seventieth year of the Republic of India.

An Ordinance to amend the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and further to amend the Indian Telegraph Act, 1885 and the Prevention of Money-laundering Act, 2002.

WHEREAS the Aadhaar and Other Laws (Amendment) Bill, 2019 was passed by the House of the People on the 4th day of January, 2019 and is pending in the Council of States ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

PART I

PRELIMINARY.

1. Short title and commencement.—(1) This Ordinance may be called the Aadhaar and Other Laws (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

PART II

AMENDMENTS TO THE AADHAAR (TARGETED DELIVERY OF FINANCIAL
AND OTHER SUBSIDIES, BENEFITS AND SERVICES) ACT, 2016**2. Amendment of section 2.**—In section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereafter in this Part referred to as the principal Act),—

(i) for clause (a), the following clause shall be substituted, namely :—

‘(a) “Aadhaar number” means an identification number issued to an individual under sub-section (3) of section 3, and includes any alternative virtual identity generated under sub-section (4) of that section ;’ ;

(ii) after clause (a), the following clause shall be inserted, namely :—

‘(aa) “Aadhaar ecosystem” includes enrolling agencies, Registrars, requesting entities, offline verification-seeking entities and any other entity or group of entities as may be specified by regulations ;’ ;

(iii) after clause (b), the following clauses shall be inserted, namely :—

‘(ba) “Adjudicating Officer” means an adjudicating officer appointed under sub-section (1) of section 33B ;

‘(bb) “Appellate Tribunal” means the Appellate Tribunal referred to in sub-section (1) of section 33C ;’ ;

(iv) after clause (i), the following clause shall be inserted, namely :—

‘(ia) “child” means a person who has not completed eighteen years of age ;’ ;

(v) after clause (p), the following clauses shall be inserted, namely :—

“(pa) “offline verification” means the process of verifying the identity of the Aadhaar number holder without authentication, through such offline modes as may be specified by regulations ;

“(pb) “offline verification-seeking entity” means any entity desirous of undertaking offline verification of an Aadhaar number holder ;’.

3. Amendment of section 3.—In section 3 of the principal Act, after sub-section (3), the following sub- section shall be inserted, namely:—

“(4) The Aadhaar number issued to an individual under sub-section (3) shall be a twelve-digit identification number and any alternative virtual identity as an alternative to the actual Aadhaar number of an individual that shall be generated by the Authority in such manner as may be specified by regulations.”.

4. Insertion of new section 3A.—After section 3 of the principal Act, the following section shall be inserted, namely :—

“3A. Aadhaar number of children.—(1) The enrolling agency shall, at the time of enrolment of a child, seek the consent of the parent or guardian of the child, and inform the parent or guardian, the details specified under sub-section (2) of section 3.

(2) A child who is an Aadhaar number holder may, within a period of six months of attaining the eighteen years of age, make an application to the Authority for cancellation of his Aadhaar number, in such manner as may be specified by regulations and the Authority shall cancel his Aadhaar number.

(3) Notwithstanding anything in section 7, a child shall not be denied any subsidy, benefit or service under that section in case of failure to establish his identity by undergoing authentication, or furnishing proof of possession of Aadhaar number, or in the case of a child to whom no Aadhaar number has been assigned, producing an application for enrolment.”.

5. Amendment of section 4.—In section 4 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely :—

“(3) Every Aadhaar number holder to establish his identity, may voluntarily use his Aadhaar number in physical or electronic form by way of authentication or offline verification, or in such other form as may be notified, in such manner as may be specified by regulations.

Explanation.— For the purposes of this section, voluntary use of the Aadhaar number by way of authentication means the use of such Aadhaar number only with the informed consent of the Aadhaar number holder.

(4) An entity may be allowed to perform authentication, if the Authority is satisfied that the requesting entity is—

(a) compliant with such standards of privacy and security as may be specified by regulations ; and

(b) (i) permitted to offer authentication services under the provisions of any other law made by Parliament ; or

(ii) seeking authentication for such purpose, as the Central Government in consultation with the Authority, and in the interest of State, may prescribe.

(5) The Authority may, by regulations, decide whether a requesting entity shall be permitted the use of the actual Aadhaar number during authentication or only an alternative virtual identity.

(6) Every requesting entity to whom an authentication request is made by an Aadhaar number holder under sub-section (3) shall inform to the Aadhaar number holder of alternate and viable means of identification and shall not deny any service to him for refusing to, or being unable to, undergo authentication.

(7) Notwithstanding anything contained in the foregoing provisions, mandatory authentication of an Aadhaar number holder for the provision of any service shall take place if such authentication is required by a law made by Parliament.”.

6. Amendment of section 8.—In section 8 of the principal Act,—

(a) in sub-section (2),—

(i) in clause (a), after the words “consent of an individual,” the words, “or in the case of a child obtain the consent of his parent or guardian” shall be inserted ;

(ii) after clause (b), the following proviso shall be inserted, namely :—

“Provided that the requesting entity shall, in case of failure to authenticate due to illness, injury or infirmity owing to old age or otherwise or any technical or other reasons, provide such alternate and viable means of identification of the individual, as may be specified by regulations.” ;

(b) in sub-section (3), after the words “for authentication,”, the words “or in the case of a child, his parent or guardian” shall be inserted.

7. Insertion of new section 8A.—After section 8 of the principal Act, the following section shall be inserted, namely :—

“8A. *Offline verification of Aadhaar number.*—(1) Every offline verification of an Aadhaar number holder shall be performed in accordance with the provisions of this section.

(2) Every offline verification-seeking entity shall,—

(a) before performing offline verification, obtain the consent of an individual, or in the case of a child, his parent or guardian, in such manner as may be specified by regulations ; and

(b) ensure that the demographic information or any other information collected from the individual for offline verification is only used for the purpose of such verification.

(3) An offline verification-seeking entity shall inform the individual undergoing offline verification, or in the case of a child, his parent or guardian the following details with respect to offline verification, in such manner as may be specified by regulations, namely :—

(a) the nature of information that may be shared upon offline verification ;

(b) the uses to which the information received during offline verification may be put by the offline verification-seeking entity ; and

(c) alternatives to submission of information requested for, if any.

(4) No offline verification seeking entity shall—

(a) subject an Aadhaar number holder to authentication ;

(b) collect, use, or store an Aadhaar number or biometric information of any individual for any purpose ;

(c) take any action contrary to any obligation on it as may be specified by regulations.”.

8. Substitution of new section for section 21.—For section 21 of the principal Act, the following section shall be substituted, namely :—

“21. *Officers and other employees of Authority.*—(1) The Authority shall appoint such officers and employees as may be required for the discharge of its functions under this Act.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and employees of the Authority shall be such as may be specified by regulations.”.

9. Insertion of new section 23A.—After section 23 of the principal Act, the following section shall be inserted, namely :—

“23 A. *Power of Authority to issue directions.*—(1) The Authority may for the discharge of its functions under this Act, or any rules or regulations made thereunder, by order, issue such directions from time to time to any entity in the Aadhaar ecosystem, as it may consider necessary.

(2) Every direction issued under sub-section (1) shall be complied with by the entity in the Aadhaar ecosystem to whom such direction is issued.”.

10. Substitution of new section for section 25.—For section 25 of the principal Act, the following section shall be substituted, namely :—

“25. *Fund.*—(1) There shall be constituted a Fund to be called the Unique Identification Authority of India Fund and there shall be credited thereto—

(a) all grants, fees and charges received by the Authority under this Act ; and

(b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) the salaries and allowances payable to the Chairperson and members and administrative expenses including the salaries, allowances and pension payable to or in respect of officers and other employees of the Authority ; and

(b) the expenses on objects and for purposes authorised by this Act”.

11. Amendment of section 29.—In section 29 of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) No identity information available with a requesting entity or offline verification-seeking entity shall be—

(a) used for any purpose, other than the purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification ; or

(b) disclosed for any purpose, other than purposes informed in writing to the individual at the time of submitting any information for authentication or offline verification :

Provided that the purposes under clauses (a) and (b) shall be in clear and precise language understandable to the individual ” ;

(b) in sub-section (4), for the words “or core biometric information”, the words, “demographic information or photograph” shall be substituted.

12. Amendment of section 33.—In section 33 of the principal Act,—

(i) in sub-section (1),—

(a) for the words “District Judge”, the words “Judge of a High Court” shall be substituted ;

(b) in the proviso, after the words “hearing to the Authority”, the words “and the concerned Aadhaar number holder” shall be inserted ;

(c) after the proviso, the following proviso shall be inserted, namely :—

“Provided further that the core biometric information shall not be disclosed under this sub-section.”.

(ii) in sub-section (2), for the words “Joint Secretary”, the word “Secretary” shall be substituted.

13. Insertion of new Chapter VIA.—After Chapter VI of the principal Act, the following Chapter shall be inserted, namely :—

“CHAPTER VIA

CIVIL PENALTIES

33A. Penalty for failure to comply with provisions of this Act, rules, regulations and directions.—(1) Where an entity in the Aadhaar ecosystem fails to comply with the provision of this Act, the rules or regulations made thereunder or directions issued by the Authority under section 23 A, or fails to furnish any information, document, or return of report required by the Authority, such entity shall be liable to a civil penalty which may extend to one crore rupees for each contravention and in case of a continuing failure, with additional penalty which may extend to ten lakh rupees for every day during which the failure continues after the first contravention.

(2) The amount of any penalty imposed under this section, if not paid, may be recovered as if it were an arrear of land revenue.

33B. *Power to adjudicate.*—(1) For the purposes of adjudication under section 33A and imposing a penalty thereunder, the Authority shall appoint an officer of the Authority, who is not below the rank of a Joint Secretary to the Government of India and possessing such qualification and experience as may be prescribed, to be an Adjudicating Officer for holding an inquiry in such manner as may be prescribed.

(2) No inquiry under sub-section (1) shall be initiated except by a complaint made by the Authority.

(3) While holding an inquiry, the Adjudicating Officer shall—

(a) provide the entity in the Aadhaar ecosystem against whom complaint is made, an opportunity of being heard ;

(b) have the power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which, in the opinion of the Adjudicating Officer, may be useful for or relevant to the subject matter of the inquiry.

(4) If the Adjudicating Officer, on such inquiry, is satisfied that the entity in the Aadhaar ecosystem has failed to comply with any provision of this Act or the rules or regulations made thereunder or directions issued by the Authority under section 23A, or has failed to furnish any information, document, or return of report required by the Authority, the Adjudicating Officer may, by order, impose such penalty under section 33A as he thinks fit.

33C. *Appeals to Appellate Tribunal.*—(1) The Telecom Disputes Settlement and Appellate Tribunal established under section 14 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), shall be Appellate Tribunal for the purposes of hearing appeals against the decision of the Adjudicating Officer under this Act.

(2) A person or entity in the Aadhaar ecosystem aggrieved by an order of the Adjudicating Officer under section 33B, may prefer an appeal to the Appellate Tribunal within a period of forty-five days from the date of receipt of the order appealed against, in such form and manner and accompanied with such fee as may be prescribed :

Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

(3) On receipt of an appeal under sub-section (2), the Appellate Tribunal may, after giving the parties to the appeal an opportunity of being heard, pass such orders thereon as it thinks fit, confirming, modifying or setting aside the order appealed against.

(4) The Appellate Tribunal shall send a copy of every order made by it to the parties to the appeal and to the Adjudicating Officer.

(5) Any appeal filed under sub-section (2) shall be dealt with by the Appellate Tribunal as expeditiously as possible and every endeavour shall be made by it to dispose of the appeal within six months from the date on which it is presented to it.

(6) The Appellate Tribunal may, for the purpose of deciding an appeal before it, call for the records relevant to disposing of such appeal and make such orders as it thinks fit.

33D. *Procedure and powers of the Appellate Tribunal.*—The provisions of sections 14-I to 14K (both inclusive), 16 and 17 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) shall, *mutatis mutandis*, apply to the Appellate Tribunal in the discharge of its functions under this Act, as they apply to it in the discharge of its functions under that Act.

33E. *Appeal to Supreme Court of India.*—(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law for the time being in force, an appeal shall lie against any order, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on any substantial question of law arising out of such order.

(2) No appeal shall lie against any decision or order made by the Appellate Tribunal which the parties have consented to.

(3) Every appeal under this section shall be preferred within a period of forty-five days from the date of the decision or order appealed against :

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of forty-five days if it is satisfied that there was sufficient cause for not filing it within that period.

33F. *Civil court not to have jurisdiction.*—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Adjudicating Officer appointed under this Act or the Appellate Tribunal is empowered, by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”.

14. *Amendment of section 38.*—In section 38 of the principal Act, for the words “three years”, the words “ten years” shall be substituted.

15. *Amendment of section 39.*—In section 39 of the principal Act, for the words “three years”, the words “ten years” shall be substituted.

16. *Substitution of new section for section 40.*—For section 40 of the principal Act, the following section shall be substituted, namely :—

“40. *Penalty for unauthorised use by requesting entity or offline verification-seeking entity.*—Whoever,—

(a) being a requesting entity, uses the identity information of an individual in contravention of sub-section (2) of section 8 ; or

(b) being an offline verification-seeking entity, uses the identity information of an individual in contravention of sub-section (2) of section 8A,

shall be punishable with imprisonment which may extend to three years or with a fine which may extend to ten thousand rupees or, in the case of a company, with a fine which may extend to one lakh rupees or with both.”.

17. *Amendment of section 42.*—In section 42 of the principal Act, for the words “one year”, the words “three years” shall be substituted.

18. *Amendment of section 47.*—In section 47 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely :—

“Provided that the court may, on a complaint made by an Aadhaar number holder or individual take cognizance of any offence punishable under section 34 or 35 or 36 or 37 or 40 or section 41.”.

19. *Insertion of new section 50A.*—After section 50 of the principal Act, the following section shall be inserted, namely :—

“50A. *Exemption from tax on income.*—Notwithstanding anything contained in the Income Tax Act, 1961 (43 of 1961) or any other enactment for the time being in force relating to tax on income, profits or gains, the Authority shall not be liable to pay income tax or any other tax in respect of its income, profits or gains.”.

20. *Amendment of section 51.*—In section 51 of the principal Act, for the words “Member, officer”, the words “Member or officer” shall be substituted.

21. *Amendment of section 53.*—In section 53 of the principal Act, in sub-section (2),—

(i) after clause (a), the following clause shall be inserted, namely :—

“(aa) the purpose for which the requesting entity may be allowed by the Authority to perform authentication under sub-clause (ii) of clause (b) of sub-section (4) of section 4 ;” ;

(ii) after clause (g), the following clauses shall be inserted, namely :—

“(ga) the qualification and experience of, and the manner of appointment of, the Adjudicating Officer under sub-section (1) of section 33B ;

(gb) the form, manner, and fee for an appeal to be filed under sub-section (2) of section 33C ;”.

22. *Amendment of section 54.*—In section 54 of the principal Act, in sub-section (2),—

(i) for clause (a), the following clause shall be substituted, namely :—

“(a) the entities or group of entities in the Aadhaar ecosystem under clause (aa), the biometric information under clause (g) and the demographic information under clause (k), the

process of collecting demographic information and biometric information from the individuals by enrolling agencies under clause (m), and the modes of offline verification of Aadhaar number holder under clause (pa) of section 2 ;” ;

(ii) after clause (b), the following clauses shall be inserted, namely :—

“(ba) the manner of generating alternative virtual identity under sub-section (4) of section 3 ;

(bb) the manner in which cancellation of an Aadhaar number may be carried out under sub-section (2) of section 3A.” ;

(iii) after clause (c), the following clauses shall be inserted, namely ;—

“(ca) standards of privacy and security to be complied with by the requesting entities under sub-section (4) of section 4 ;

(cb) the classification of requesting entities under sub-section (5) of section 4 ;” ;

(iv) after clause (f), the following clauses shall be inserted, namely :—

“(fa) the alternate and viable means of identification of individual under the proviso to clause (b) of sub-section (2) of section 8 ;

(fb) the manner of obtaining consent under clause (a) of sub-section (2), the manner of providing information to the individual undergoing offline verification under sub-section (3) and the obligations of offline verification-seeking entities under clause (c) of sub-section (4), of section 8A ;”.

23. Omission of section 57.—Section 57 of the principal Act shall be omitted.

PART III

AMENDMENT TO THE INDIAN TELEGRAPH ACT, 1885

24. Amendment of section 4 of Act 13 of 1885.—In section 4 of the Indian Telegraph Act, 1885, after sub-section (2), the following sub-sections shall be inserted, namely :—

“(3) Any person who is granted a license under the first proviso to sub-section (1) to establish, maintain or work a telegraph within any part of India, shall identify any person to whom it provides its services by—

(a) authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) ; or

(b) offline verification under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) ; or

(c) use of passport issued under section 4 of the Passports Act, 1967 (15 of 1967) ; or

(d) use of any other officially valid document or modes of identification as may be notified by the Central Government in this behalf.

(4) If any person who is granted a license under the first proviso to sub-section (1) to establish, maintain or work a telegraph within any part of India is using authentication under clause (a) of sub-section (3) to identify any person to whom it provides its services, it shall make the other modes of identification under clauses (b) to (d) of sub-section (3) also available to such person.

(5) The use of modes of identification under sub-section (3) shall be a voluntary choice of the person who is sought to be identified and no person shall be denied any service for not having an Aadhaar number.

(6) If, for identification of a person, authentication under clause (a) of sub-section (3) is used, neither his core biometric information nor the Aadhaar number of the person shall be stored.

(7) Nothing contained in sub-sections (3), (4) and (5) shall prevent the Central Government from specifying further safeguards and conditions for compliance by any person who is granted a license under the first proviso to sub-section (1) in respect of identification of person to whom it provides its services.

Explanation.—The expressions “Aadhaar number” and “core biometric information” shall have the same meanings as are respectively assigned to them in clauses (a) and (j) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).’.

PART IV

AMENDMENT TO THE PREVENTION OF MONEY-LAUNDERING ACT, 2002

25. Insertion of new section 11A.—In chapter IV of the Prevention of Money-laundering Act, 2002 (15 of 2002) (hereafter in this Part, referred to as the principal Act), before section 12, the following section shall be inserted, namely :—

‘11A. Verification of identity by Reporting Entity.—(1) Every Reporting Entity shall verify the identity of its clients and the beneficial owner, by—

(a) authentication under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) if the reporting entity is a banking company ; or

(b) offline verification under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) ; or

(c) use of passport issued under section 4 of the Passports Act, 1967 (15 of 1967) ; or

(d) use of any other officially valid document or modes of identification as may be notified by the Central Government in this behalf :

Provided that the Central Government may, if satisfied that a reporting entity other than banking company, complies with such standards of privacy and security under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016), and it is necessary and expedient to do so, by notification, permit such entity to perform authentication under clause (a) :

Provided further that no notification under the first proviso shall be issued without consultation with the Unique Identification Authority of India established under sub-section (1) of section 11 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) and the appropriate regulator.

(2) If any reporting entity performs authentication under clause (a) of sub-section (1), to verify the identity of its client or the beneficial owner it shall make the other modes of identification under clauses (b), (c) and (d) of sub-section (1) also available to such client or the beneficial owner.

(3) The use of modes of identification under sub-section (1) shall be a voluntary choice of every client or beneficial owner who is sought to be identified and no client or beneficial owner shall be denied services for not having an Aadhaar number.

(4) If, for identification of a client or beneficial owner, authentication or offline verification under clause (a) or clause (b) of sub-section (1) is used, neither his core biometric information nor his Aadhaar number shall be stored.

(5) Nothing in this section shall prevent the Central Government from notifying additional safeguards on any reporting entity in respect of verification of the identity of its client or beneficial owner.

Explanation.— The expressions “Aadhaar number” and “core biometric information” shall have the same meanings as are respectively assigned to them in clauses (a) and (j) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016).’.

26. Amendment of section 12.—In section 12 of the principal Act, in sub-section (1), clauses (e) and (d) shall be omitted.

27. Amendment of section 73.—In section 73 of the principal Act, in sub-section (2), clauses (j) and (jj) shall be omitted.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 2nd March, 2019/Phalguna 11, 1940 (Saka)

THE NEW DELHI INTERNATIONAL ARBITRATION CENTRE ORDINANCE, 2019

(No. 10 of 2019)

Promulgated by the President in the Seventieth year of the Republic of India.

An Ordinance to provide for the establishment and incorporation of New Delhi International Arbitration Centre for the purpose of creating an independent and autonomous regime for institutionalised arbitration and for acquisition and transfer of the undertakings of the International Centre for Alternative Dispute Resolution and to vest such undertakings in the New Delhi International Arbitration Centre for the better management of arbitration so as to make it a hub for institutional arbitration and to declare the New Delhi International Arbitration Centre to be an institution of national importance and for matters connected therewith or incidental thereto ;

WHEREAS dispute resolution process has a huge impact on the Indian economy and global perception on doing business in our country and it has become necessary to inspire confidence and credibility among the litigants of commercial disputes ;

AND WHEREAS rapidly changing economic activity demands expeditious settlement of disputes and creation and establishment of institutional arbitration ;

AND WHEREAS the International Centre for Alternative Dispute Resolution was set-up in the year 1995, under the aegis of the Central Government and registered under the Societies Registration Act, 1860 (21 of 1860), with the objective of promoting alternative dispute resolution mechanism and providing facilities for the same ;

AND WHEREAS the International Centre for Alternative Dispute Resolution has received land and substantial funding by way of grants and other benefits from the Central Government for constructing infrastructure and making other facilities ;

AND WHEREAS the International Centre for Alternative Dispute Resolution has not been able to actively engage and embrace developments in the arbitration ecosystem and to create a reputation par excellence keeping pace with the dynamic nature of arbitration over more than two decades ;

AND WHEREAS studies conducted by the High Powered Committee appointed by the Central Government indicate that the International Centre for Alternative Dispute Resolution has failed to address the growing needs of the institutional arbitration and also to bear optimum caseload and to become better choice to the parties for arbitration ;

AND WHEREAS it has become expedient to take over the undertakings of the International Centre for Alternative Dispute Resolution including its regional offices without interfering with its activities and without adversely affecting its character as a Society but to utilise its existing infrastructure and other facilities which have been set-up by using the public funds provided by the Government and to incorporate a robust institution for domestic and international arbitration to be known as the New Delhi International Arbitration Centre ;

AND WHEREAS it is considered necessary to declare the New Delhi International Arbitration Centre as an institution of national importance for its overall development as a major arbitration hub by promoting quick and efficient dispute resolution mechanism ;

AND WHEREAS the New Delhi International Arbitration Centre Bill, 2018, to provide for the aforesaid matter, has been introduced in the House of the People on the 5th day of January, 2018 and passed by the House of the People on the 4th day of January, 2019 and is pending in the Council of States ;

AND WHEREAS the New Delhi International Arbitration Centre Bill, 2019 could not be taken up for consideration and passing in the Council of the States ;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance : —

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Ordinance may be called the New Delhi International Arbitration Centre Ordinance, 2019.

(2) It shall come into force at once.

2. Definitions.—(1) In this Ordinance, unless the context otherwise requires,—

(a) “Chairperson” means the Chairperson of the Centre referred to in clause (a) of section 5 ;

(b) “Chief Executive Officer” means the Chief Executive Officer appointed under section 21 ;

(c) “Committee” means relevant Committee of the Centre, referred to in section 19 ;

(d) “Centre” means the New Delhi International Arbitration Centre established and incorporated under section 3 ;

(e) “Custodian” means the person who is appointed as Custodian under sub-section (2) of section 11 in respect of the undertakings ;

(f) “Fund” means the Fund of the Centre to be maintained under section 25 ;

(g) “Member” means Full-time or Part-time Member of the Centre and includes the Chairperson ;

(h) “notification” means a notification published in the Official Gazette ;

(i) “prescribed” means prescribed by rules made by the Central Government under this Ordinance ;

(j) “regulations” means the regulations made by the Centre under this Ordinance ;

(k) “Society” means the International Centre for Alternative Dispute Resolution, registered as such under the Societies Registration Act, 1860 (21 of 1860), and having its registered office at New Delhi ;

(l) “specified date” means the date as may be specified by the Central Government by notification ;

(m) “undertakings” means the undertakings of the Society which vests with the Central Government under section 7.

(2) All other words and expressions used herein but not defined and defined in the Arbitration and Conciliation Act, 1996 (26 of 1996), shall have the same meanings as assigned to them in that Act.

CHAPTER II

ESTABLISHMENT AND INCORPORATION OF NEW DELHI INTERNATIONAL ARBITRATION CENTRE

3. Establishment and incorporation of New Delhi International Arbitration Centre.—(1) The Central Government shall, by notification, establish a body to be called the New Delhi International Arbitration Centre for the purposes of exercising the powers and discharging the functions under this Ordinance.

(2) The Centre shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and to enter into contract, and shall, by the said name, sue or be sued.

4. Declaration of New Delhi International Arbitration Centre as an institution of national importance.—(1) Whereas, the objects of the New Delhi International Arbitration Centre are such as to make it as an institution of national importance, it is hereby declared that the New Delhi International Arbitration Centre is an institution of national importance.

(2) The head office of the Centre shall be at New Delhi and it may with the previous approval of the Central Government, establish branches at other places in India and abroad.

5. Composition of Centre.—The Centre shall consist of the following Members, namely :—

(a) a person, who has been a Judge of the Supreme Court or a Judge of a High Court or an eminent person, having special knowledge and experience in the conduct or administration of arbitration, law or management, appointed by the Central Government in consultation with the Chief Justice of India —Chairperson ;

(b) two eminent persons having substantial knowledge and experience in institutional arbitration, both domestic and international, appointed by the Central Government—Full-time or Part-time Members ;

(c) one representative of a recognised body of commerce and industry, chosen on rotational basis by the Central Government --Part-time Member ;

(d) Secretary, Department of Legal Affairs, Ministry of Law and Justice or his representative not below the rank of the Joint Secretary — Member, *ex-officio* ;

(e) one Financial Adviser nominated by the Department of Expenditure, Ministry of Finance — Member, *ex-officio* ; and

(f) Chief Executive Officer — Member, *ex-officio*.

6. Terms and conditions etc., of Chairperson and Members.—(1) The Chairperson and Members shall hold office for a term of three years from the date on which they enter upon their office and shall be eligible for re-appointment :

Provided that no Chairperson or Member shall hold office as such after he has attained the age of seventy years in the case of Chairperson and sixty-seven years in the case of a Member.

(2) The terms and conditions, salary and allowances payable to the Chairperson and Full-time Member shall be such as may be prescribed.

(3) The term of office of a Member appointed to fill a casual vacancy shall be for the remainder of the term of the Member in whose place he has been appointed.

(4) The Part-time Member shall be entitled to such travelling and other allowances as may be prescribed.

CHAPTER III

ACQUISITION AND TRANSFER OF UNDERTAKINGS OF SOCIETY

7. Transfer and vesting.—On and from the specified date, so much of the undertakings of the Society as form part of, or are relatable to the Society, and the right, title and interest of the Society in relation to such undertakings, shall, by virtue of this Ordinance, stand transferred to, and vest in the Central Government.

8. General effect of vesting.—(1) The undertakings vested under section 7 shall be deemed to include all assets, rights, leaseholds, powers, authorities and privileges, and all property (movable and immovable), including lands, buildings, works, projects, instruments, automobiles and other vehicles, cash balances, Funds including reserve funds, investments and book debts of the Society as form part of, or are relatable to, the Society and all other rights and interest arising out of such properties as were immediately before the commencement of this Ordinance in the ownership, possession, power or control of the Society, and all books of account, registers and all other documents of whatever nature relating thereto.

(2) All properties and assets as aforesaid which have vested in the Central Government under section 7 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, *lien* and all other encumbrances affecting them or of any attachment, injunction, decree or order of any court or other authority restricting the use of such properties or assets in any manner or appointing any receiver in respect of the whole or any part of such properties or assets shall be deemed to have been withdrawn.

(3) Any licence or other instrument granted to the Society in relation to any undertaking which has vested in the Central Government under section 7 at any time before the specified date and in force immediately before the specified date, shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purpose of such undertaking or where the undertaking is directed

under section 10, to vest in the Centre, the Centre shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to the Centre and the Centre shall hold it for the remainder of the period which the Society would have held it under the terms thereof.

(4) If, on the specified date, any suit, appeal or other proceeding, of whatever nature, in relation to any property or asset which has vested in the Central Government under section 7, instituted or preferred by or against the Society is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the Society of anything contained in this Ordinance, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or where the undertakings of the Society are directed under section 10, to vest in the Centre, by or against the Centre.

9. Liability prior to specified date.—Every liability in relation to any undertaking in respect of any period prior to the specified date, shall be enforceable against the Society and not against the Central Government.

10. Power of Central Government to direct vesting of undertaking in Centre.—(1) Notwithstanding anything contained in sections 7 and 8, the Central Government shall, as soon as may be after the specified date, direct by notification, that the undertakings and the right, title and interest of the Society in relation to such undertakings which had vested in the Central Government under section 7, shall, vest in the Centre either on the date of publication of the notification or on such earlier or later date as may be specified in the notification.

(2) Where the right, title and interest of the Society in relation to the undertakings vest, under sub-section (1), in the Centre, the Centre shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become, the rights and liabilities, respectively, of the Centre.

11. Management, etc., of the undertakings.—(1) The general superintendence, direction, control and management of affairs of the undertakings, the right, the interest in relation to which have vested in the Central Government under section 7, shall—

(a) where a direction has been made by the Central Government under sub-section (1) of section 10, vest in the Centre ; or

(b) where no such direction has been made by the Central Government, vest in the Custodian appointed by the Central Government under sub-section (2),

and, thereupon, the Centre or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as the Society, is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint any person as the Custodian of the undertakings in relation to which no direction has been made by it under sub-section (1) of section 10.

(3) The Custodian so appointed shall receive such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

12. Duties of persons in charge of management of undertakings to deliver all assets.—(1) On the vesting of the management of the undertakings in the Centre or on the appointment of a Custodian under sub-section (2) of section 11, all persons in charge of management of the undertakings immediately before such vesting or appointment shall be bound to deliver to the Centre or Custodian, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Custodian as to the powers and duties of the Custodian and such Custodian may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertaking shall be conducted or in relation to any other matter arising in the course of such management.

(3) Any person who on the specified date, has in his possession or under his control, any books, documents or other papers relating to the undertakings shall be liable to account for the said books, documents or other papers to the Central Government or the Custodian or the Centre, as the case may be, and shall deliver them to the Central Government or the Custodian or the Centre or to such person or body of persons as the Central Government or the Centre may specify in this behalf.

(4) The Central Government or the Centre may take or cause to be taken, all necessary steps for securing possession of all undertakings which have vested in the Central Government or the Centre under this Ordinance.

(5) The Society shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the commencement of this Ordinance pertaining to the undertaking and for this purpose, the Central Government or Custodian or the Centre shall afford to the Society, or body all reasonable facilities.

13. Certain powers of Central Government or Centre.—The Central Government or the Custodian or the Centre shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Society in relation to its undertakings which have vested in the Central Government or Custodian or the Centre, as the case may be, and realised after the commencement of this Ordinance, notwithstanding that the realisation pertains to a period prior to the commencement of this Ordinance.

14. Objects Of Centre.—The objects of the Centre shall be—

(a) to bring targeted reforms to develop itself as a flagship institution for conducting international and domestic arbitration ;

(b) to promote research and study, providing teaching and training, and organising conferences and seminars in arbitration, conciliation, mediation and other alternative dispute resolution matters ;

(c) to provide facilities and administrative assistance for conciliation, mediation and arbitral proceedings ;

(d) to maintain panels of accredited arbitrators, conciliators and mediators both at national and international level or specialists such as surveyors and investigators ;

(e) to collaborate with other national and international institutions and organisations for ensuring credibility of the Centre as a specialised institution in arbitration and conciliation ;

(f) to set-up facilities in India and abroad to promote the activities of the Centre ;

(g) to lay down parameters for different modes of alternative dispute resolution mechanisms being adopted by the Centre ; and

(h) such other objectives as it may deem fit with the approval of the Central Government.

15. Functions of Centre.—Without prejudice to the provisions contained in section 14, the Centre shall strive,—

(a) to facilitate for conducting international and domestic arbitrations and conciliation in the most professional manner ;

(b) to provide cost effective and timely services for the conduct of arbitrations and conciliations at national and international level ;

(c) to promote studies in the field of alternative dispute resolution and related matters, and to promote reforms in the system of settlement of disputes ;

(d) to undertake teaching and to provide for diffusion of knowledge of law and procedures on alternative dispute resolution and related matters and to award certificates and other academic or professional distinction ;

(e) to impart training in alternative dispute resolution and related matters to those who are handling arbitration, conciliation and mediation ;

(f) to cooperate with other Societies, institutions and organisations, national or international for promoting alternative dispute resolution ; and

(g) to perform such other functions as may be entrusted to it by the Central Government for promoting alternative dispute resolution.

16. Vacancies, etc., not to invalidate proceedings of Centre.—No act or proceeding of the Centre shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Centre ; or

(b) any defect in the appointment of a person acting as a Member of the Centre ; or

(c) any irregularity in the procedure of the Centre not affecting the merits of the case.

17. Resignation of Members.—The Chairperson or the Full-time or Part-time Member may, by notice in writing, under his hand addressed to the Central Government, resign his office :

Provided that the Chairperson or the Full-time Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earlier.

18. Removal of Member.—(1) The Central Government may, remove a Member from his office if he—

- (a) is an undischarged insolvent ; or
- (b) has engaged at any time (except Part-time Member), during his term of office, in any paid employment ; or
- (c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude ; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member ; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest ; or
- (f) has become physically or mentally incapable of acting as a Member.

(2) Notwithstanding anything contained in sub-section (1), no Member shall be removed from his office on the grounds specified in clauses (d) and (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry, held by it in accordance with such procedure as may be prescribed in this behalf by the Supreme Court, reported that the Member, ought on such ground or grounds to be removed.

19. Committees of Centre.—(1) The Centre may constitute such Committees as may be considered necessary to administer various aspects of its functions.

(2) The composition and functions of the Committees referred to in sub-section (1) shall be such as may be prescribed.

(3) The Committee shall meet at such time and at such places and shall observe such rules of procedure in regard to the transaction of business at its meetings including the quorum as may be specified by the regulations.

20. Meetings of Centre.—(1) The Chairperson shall ordinarily preside at the meetings of the Centre :

Provided that, in his absence, the Member chosen by the other Members present amongst themselves shall preside at the meetings.

(2) It shall be the duty of the Chairperson to ensure that the decisions taken by the Centre are implemented.

(3) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him under this Ordinance,

(4) The Centre shall meet at least four times a year and follow such procedure in its meetings including quorum at such meetings in such manner as may be specified by the regulations.

(5) All questions which come up before any meeting of the Centre shall be—

(a) decided by a majority of votes by the Members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a casting vote ;

(b) dealt with as expeditiously as possible and the Centre shall dispose of the same within a period of sixty days from the date of receipt of the application :

Provided that where any such application could not be disposed of within the said period of sixty days, the Centre shall record its reasons in writing for not disposing of the application within that period.

(6) The Chairperson may invite any expert, not being a Member, to attend the meetings of the Centre, but such invitee shall not be entitled to vote at the meeting.

21. Chief Executive Officer.—(1) There shall be a Chief Executive Officer of the Centre who shall be responsible for day-to-day administration of the Centre and for this purpose, he shall maintain liaison with the Centre and the Secretariat.

(2) The appointment, qualifications and the terms and conditions of services of the Chief Executive Officer shall be such as may be specified by the regulations.

(3) The Chief Executive Officer shall exercise such powers and discharge such functions as may be specified by the regulations or as may be delegated to him by the Centre.

22. Delegation of powers.—The Centre may, for the purpose of discharging of its powers, functions and duties, by general or special order in writing, specify the powers and duties conferred or imposed upon the Centre by or under this Ordinance (except the power to make regulations) which may also be exercised or performed by the Chief Executive Officer or any officer or officers of the Centre and the conditions and restrictions, if any, subject to which the powers and duties may be exercised and performed.

23. Secretariat.—(1) There shall be a Secretariat to the Centre consisting of—

- (a) Registrar, who shall supervise the activities of the Centre ;
- (b) Counsel, dealing with the matters relating to domestic and international arbitration ; and
- (c) such number of other officers and employees as may be prescribed.

(2) The qualifications, experience, method of selection and the functions of the Registrar, Counsel and other officers and employees shall be such as may be prescribed.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

24. Grants by Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Centre in each financial year such sums of money and in such manner as it may think fit for being utilised for the purposes of this Ordinance.

25. Fund of Centre.—(1) The Centre shall maintain a Fund to which shall be credited—

- (a) all monies provided by the Central Government ;
- (b) all fees and other charges received during or in connection with the arbitration, conciliation, mediation or other proceedings ;
- (c) all monies received by the Centre for the facilities provided by it to the parties ;
- (d) all monies received by the Centre in the form of donations, grants, contributions and income from other sources ; and
- (e) the amount received from the investment income.

(2) All monies credited to the Fund shall be deposited in such banks or invested in such manner as may be decided by the Centre.

(3) The Fund shall be applied towards meeting the salary and other allowances of Members and the expenses of the Centre including expenses incurred in the exercise of its powers and discharge of its duties under this Ordinance.

26. Accounts and audit.—(1) The Centre shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form and manner as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Centre shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Centre to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Centre shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Centre.

(4) The accounts of the Centre as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

27. Assessment of assets and liabilities of undertaking.—The assets and liabilities in relation to any undertaking under this Ordinance shall be caused to be assessed by any agency authorised by the Comptroller and Auditor-General of India in such manner as may be specified by him and any payment on a claim to be made in relation thereto shall be settled by him between the Society and the Central Government and shall be paid by the Society or the Central Government, as the case may be, in the manner as may be specified by the Comptroller and Auditor-General of India.

CHAPTER V

CHAMBER OF ARBITRATION AND ARBITRATION ACADEMY

28. Chamber of Arbitration.—(1) The Centre shall establish a Chamber of Arbitration which shall empanel the Arbitrators and also scrutinise the applications for admission in the panel of reputed arbitrators to maintain a permanent panel of arbitrators.

(2) The Chamber of Arbitration shall consist of experienced arbitration practitioners of repute, at national and international level and persons having wide experience in the area of alternative dispute resolution and conciliation.

(3) The Centre shall by regulations lay down the criteria for admission to the panel of the cadre so as to maintain a pool of reputed arbitrators having expertise in international commercial arbitration and arbitration other than international commercial arbitration.

(4) The Registrar to the Secretariat of the Centre shall act as the Member-Secretary to the Chamber of Arbitration.

29. Arbitration Academy.—(1) The Centre may establish an Arbitration Academy—

(a) to train the arbitrators, particularly in the area of international commercial arbitration to compete on par with the reputed international arbitral institutions ;

(b) to conduct research in the area of alternative dispute resolution and allied areas ; and

(c) to give suggestions for achieving the objectives of the Ordinance.

(2) For the purposes of sub-section (1), there may be constituted a permanent three member committee in order to suggest and to submit a report to the Centre with respect to the amendments, if any, necessary to the rules and regulations pertaining to the Ordinance.

CHAPTER VI

MISCELLANEOUS

30. Power to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may make provision for—

(a) the terms and conditions and the salary and allowances payable to the Chairperson and Full-time Member under sub-section (2) of section 6 ;

(b) the travelling and other allowances payable to the Part-time Member under sub-section (4) of section 6 ;

(c) the composition and functions of the Committees referred to in sub-section (2) of section 19 ;

(d) the number of officers and employees of the Secretariat of the Centre under clause (c) of sub-section (1) of section 23 ;

(e) the qualifications, experience, method of selection and the functions of the Registrar, Counsel and other officers and employees of the Centre under sub-section (2) of section 23 ;

(f) annual statement of accounts, including the balance sheet under sub-section (1) of section 26 ; and

(g) any other matter in respect of which provision is to be made or may be made under this Ordinance,

31. Power to make regulations.—(1) The Centre may, with the previous approval of the Central Government, by notification, make regulations consistent with this Ordinance and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may make provision for— .

(a) the time and place and the rules of procedure to be observed in regard to the transaction of business of the Committee at the meetings including the quorum under sub-section (3) of section 19 ;

(b) the time and place and rules of procedure in regard to the transaction of business of the Centre or any Committee including the quorum at the meeting under sub-section (4) of section 20 ;

(c) the appointment, qualifications and the terms and conditions of service of the Chief Executive Officer under sub-section (2) of section 21 ;

(d) the powers and functions of the Chief Executive Officer under sub-section (3) of section 21 ;

(e) the criteria for admission to the panel of reputed arbitrators under sub-section (3) of section 28 ; and

(f) any other matter in respect of which provision, in the opinion of the Centre, is necessary for the performance of its functions under this Ordinance.

32. Laying of rules and regulations.—Every rule and regulation made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

33. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Centre, the Chairperson or Members or its employees and arbitrators for anything which is in good faith done or intended to be done under this Ordinance or the rules or regulations made thereunder.

34. Power to remove difficulty.—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for removing the difficulty ;

Provided that no such order shall be made under this section after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 2nd March 2019/Phalguna 11, 1940 (Saka)

THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) ORDINANCE, 2019

(No. 11 of 2019)

Promulgated by the President in the Seventieth year of the Republic of India.

An ordinance further to amend the Homoeopathy Central Council Act, 1973.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This ordinance may be called the Homoeopathy Central Council (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

2. *Amendment of section 3A.*—In section 3A of the Homoeopathy Central Council Act, 1973 (59 of 1973), in sub-section (2), for the words “within a period of one year”, the words “within a period of two years” shall be substituted.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 2nd March, 2019/Phalguna 11, 1940 (Saka)

THE SPECIAL ECONOMIC ZONES (AMENDMENT) ORDINANCE, 2019

(No. 12 of 2019)

Promulgated by the President in the Seventieth year of the Republic of India.

An Ordinance further to amend the Special Economic Zones Act, 2005.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Special Economic Zones (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

2. Amendment section 2 of Act 28 of 2005.—In section 2 of the Special Economic Zones Act, 2005, in clause (v)—

(i) after the words “local authority”, the words “or trust or any entity as may be notified by the Central Government”, shall be inserted ;

(ii) for the words “authority or company”, the words “authority, company, trust or entity” shall be substituted.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

MINISTRY OF LAW AND JUSTICE

(LEGISLATIVE DEPARTMENT)

New Delhi, the 7th March, 2019/Phalguna 16, 1940 (Saka)

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN
TEACHERS' CADRE) ORDINANCE, 2019

(No. 13 of 2019)

Promulgated by the President in the Seventieth year of the Republic of India.

An Ordinance to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be called the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019.

(2) It shall come into force at once.

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “appropriate authority” means the University Grants Commission established under the University Grants Commission Act, 1956 (3 of 1956), or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution ;

(b) “branch of study” means a branch of study leading to three principal levels of qualifications at bachelors (under graduate), masters (post graduate) and doctoral levels ;

(c) “Central Educational Institution” means—

(i) a university established or incorporated by or under a Central Act ;

(ii) an institution of national importance established by an Act of Parliament ;

(iii) an institution, declared as an institution deemed to be University under section 3 of the University Grants Commission Act, 1956 (3 of 1956), and maintained by or receiving aid from the Central Government ;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in sub-clause (i) or sub-clause (ii), or a constituent unit of an institution referred to in sub-clause (iii) ; and

(v) an educational institution established by the Central Government under the Societies Registration Act, 1860 (21 of 1860) ;

(d) “direct recruitment” means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in a Central Educational Institution ;

(e) “faculty” means the faculty of a Central Educational Institution ;

(f) “Minority Educational Institution” means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005) ;

(g) “sanctioned strength” means the number of posts in teachers' cadre approved by the appropriate authority ;

(h) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(i) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(j) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A of the Constitution;

(k) "teachers' cadre" means a class of all teachers of a Central Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus.

3. Reservation of posts in recruitments by Central Educational Institutions.—(1) Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution to the extent and in the manner as may be specified by the Central Government by notification in the *Official Gazette*.

(2) For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.

4. Ordinance not to apply in certain cases.—(1) The provisions of section 3 shall not apply to—

(a) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Ordinance ;

(b) a Minority Educational Institution.

(2) The Central Government may, by notification in the *Official Gazette*, amend the Schedule referred to in clause (a) of sub-section (1) from time to time.

5. Laying of notifications before Parliament.—Every notification made by the Central Government under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

THE SCHEDULE
[See section 4(1)(a)]

Sl. No. (1)	Name of the Institution of Excellence, etc. (2)
1.	Homi Bhabha National Institute, Mumbai and its constituent units, namely :— (i) Bhabha Atomic Research Centre, Trombay ; (ii) Indira Gandhi Centre for Atomic Research, Kalpakkam ; (iii) Raja Ramanna Centre for Advanced Technology, Indore ; (iv) Institute for Plasma Research, Gandhinagar ; (v) Variable Energy Cyclotron Centre, Kolkata ; (vi) Saha Institute of Nuclear Physics, Kolkata ; (vii) Institute of Physics, Bhubaneshwar ; (viii) Institute of Mathematical Sciences, Chennai ; (ix) Harish-Chandra Research Institute, Allahabad ; (x) Tata Memorial Centre, Mumbai.
2.	Tata Institute of Fundamental Research, Mumbai.
3.	North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4.	National Brain Research Centre, Manesar, Gurgaon.
5.	Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore.
6.	Physical Research Laboratory, Ahmedabad.
7.	Space Physics Laboratory, Thiruvananthapuram.
8.	Indian Institute of Remote Sensing, Dehradun.

RAM NATH KOVIND,
President.

DR. G. NARAYANA RAJU,
Secretary to the Government of India.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.